

REMARKS

This Amendment is responsive to the Office Action dated October 15, 2004. Claims 1-22 were pending in the application. In the Office Action, claims 1-22 were rejected. In this Amendment, claims 1, 3, 8, 10, 13, 19 and 21 have been amended. Claims 1-22 thus remain for consideration.

Applicants submit that claims 1-22 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pargée, Jr. et al. (U.S. Patent No. 4,422,093) and Stern (U.S. Patent No. 6,591,247) in view of Brown (U.S. Patent No. 6,611,842).

Applicants respectfully submit that the independent claims (claims 1, 8, 13, 19 and 21) are patentable over the applied combination of Pargée, Jr., Stern and Brown.

Applicants' invention as recited in the independent claims is directed toward a business management method, a business management apparatus and a data broadcast delivery method. Each of the claims recites "judging whether or not it is possible to pay back a share of the earnings" and "initiating a process to decide on items applicable to pay back when it is judged that pay back is possible." Supporting disclosure can be found in the specification at, for example, page 27, lines 1-13.

Since, Pargée, Jr., Stern and Brown do not disclose "judging whether or not it is possible to pay back a share of the earnings" and "initiating a process to decide on items applicable to pay

back when it is judged that pay back is possible,” Applicants believe that claims 1, 8, 13, 19 and 21 are patentable over the applied combination of Pargée, Jr., Stern and Brown.

Moreover, applicants believe that claim 15 is patentable over Pargée, Jr., Stern and Brown. None of these references relied upon by the Examiner teaches or suggests “the step of storing said data broadcast successively onto said storage medium in such a manner that when a storage capacity of said storage medium either drops below a predetermined level or is completely exhausted, the initially recorded broadcast data are deleted from said storage medium to make room for the most recently received broadcast data.” The Examiner never indicated a specific portion of these references that discloses such feature and applicants couldn’t find such feature in these references. Therefore, it is respectfully requested that the Examiner specifically indicate where such feature is taught in the applied references or remove the 103(a) rejection of claim 15.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 2-7, 9-12, 14-18, 20 and 22 are believed to be patentable over Pargée, Jr., Stern and Brown as applied for at least the same reasons discussed in connection with the independent claims 1, 8, 13, 19 and 21.

Applicants submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather,

these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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